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10/685,399	10/16/2003	Hisatoshi Eguchi	244116US90	7849
22850	7590	10/01/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
CALLAHAN, PAUL E				
ART UNIT		PAPER NUMBER		
2137				
NOTIFICATION DATE		DELIVERY MODE		
10/01/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/685,399

Applicant(s)

EGUCHI ET AL.

Examiner

PAUL CALLAHAN

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 14-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1-8 and 14-21 is/are allowed.
6) ☒ Claim(s) 9-11 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is directed towards the Applicant's response filed 6-17-2008. Claims 1-11 and 14-21 are pending and have been examined.

Response to Arguments

2. Applicant's arguments filed 6-17-2008 have been fully considered but they are not fully persuasive.

The Applicant argues that independent claim 9, as amended, may be distinguished from the teaching of Leonard, US 6.085,171 by asserting: ""Leonard, however, fails to teach or suggest an authentication requesting terminal that performs the authorization steps defined in Claim 9, and *"accesses at least one of the first and second services based on at least one of the authentication information and the permission message."*"" The Applicant draws a distinction between the system of Leonard and the claimed invention by asserting with regards to the system of Leonard: ""The client 10, therefore, does not access the communication service for which a change was requested, but instead acts as an intermediary to request a change of service on behalf of the customer 230. Thus, the customer 230 in Leonard is the entity that accesses the services, not *the client 10.*""

The Examiner maintains that the system of Leonard does indeed teach a communications device that accesses a first or a second service based upon at least one of authentication information or permissions information. Since Leonard teaches an embodiment of his system where the client and local communications device are the

same device (col. 5 lines 5-25), the Applicant is then apparently drawing a distinction between the communications device utilized by a user to communicate authentication and service requests, and the user himself. The Examiner maintains that this is a false distinction, and that once the user enters data into a device such as the client of Leonard, from that point forward all service and authentication requests are made by the device, when prompted by the user. The Applicant's Specification discloses an identical process whereby a user utilizes a communications device to transmit service and authentication requests based upon user data input and prompts, for example at page 8 lines 8-24, where a user enters authentication data into a communications terminal and prompts it to make a service and authentication request.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 9 and 10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Leonard, US 6,085,171.

As for claim 9, Leonard teaches an authentication requesting terminal (col. 1 lines 45-56, fig. 1 element 10a-z), permitted to utilize a first service provided by a service verifying system (col. 4 lines 10-24), and configured to execute authentication for utilization of the first service (col. 10 lines 10-34, col. 4 lines 1-9), the authentication requesting terminal comprising: authentication information storing means for storing authentication information for utilization of the first service (col. 3 lines 55-67); first message transmitting means for transmitting a message based on the authentication information in the authentication information storing means and according to an authentication method (col. 3 lines 55-67); other service utilization request transmitting means for transmitting a utilization request for utilization of a second service (col. 3 lines 56-65, fig. 2) when the first service is available; and permission response receiving means for receiving a permission response based on a permission message (col. 4 lines 1-9), and a communication device configured to access at least one of the first and second services based on at least one of the authentication information and the permission message (col. 5 lines 5-25).

As for claim 10, Leonard teaches the authentication requesting terminal according to claim 9, wherein the permission response receiving means receives a permission response further based on available area information of the second service (col. 6 lines 50-60, fig. 3 element 124).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Leonard.

As for claim 11, Leonard teaches the authentication requesting terminal according to claim 9, but not wherein the permission response receiving means receives a permission response further based on available time information of the second service. However, Official Notice may be taken that the step of provision of a service based on time availability of the service is a step that is old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate this feature into the system of Leonard. It would have been obvious to do so since this would allow the tailoring of service for individual users. Motive to make this combination is taught by Leonard at, for example, fig. 10: Service Plan and col. 12 lines 22-44 where service plan information is verified. Service plans as taught by Leonard typically limit service based on time of day, reading on time availability.

Allowable Subject Matter

7. Claims 1-8 and 14-21 are allowed.

Conclusion

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Paul Callahan/

9-25-08

/Emmanuel L. Moise/

Supervisory Patent Examiner, Art Unit 2137